



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

CORAM

THE HONOURABLE MRS.JUSTICE **T.KRISHNAVALLI**

Crl.R.C(MD)No.599 of 2021

T.Pommuraj

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Mayanur Police Station,
Karur District.
(Cr.No.421 of 2020)

... Respondent

PRAYER: This Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and to set aside the order passed in Crl.M.P.No.1802 of 2020, dated 16.02.2021 on the file of the Sessions Judge, Karur and direct the respondent to release the petitioner's vehicle JCB 3D Excavator-Loader bearing Registration No.TN-28-AB-9103 for interim custody from the respondent police.

For Petitioner	: Mr.R.Mathiyalagan
For Respondent	: Mr.RMS.Sethuraman.
	Counsel for State Government (Crl.side)

O R D E R

This Criminal Revision Case has been filed to set aside the order passed by the learned Sessions Judge, Karur in Crl.M.P.No.1802 of 2020, dated 16.02.2021.

2.The petitioner claims to be the owner of the JCB 3D Excavator-Loader, bearing Registration No.TN-28-AB-9103. On 19.07.2020, the alleged vehicle was seized by the Village Administrative Officer on the ground that it was used for digging the land in S.F.No.426/5 for green emerald stone and the same was handed over to the respondent police. Therefore, the respondent police has registered the case in Crime No.421 of 2020 for the offence under Section 4(1)(1A) r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act and Section 379 and 511 IPC. Subsequently, the petitioner has approached the learned Sessions Judge, Karur, by way of filing a petition in Crl.M.P(MD) No.1802 of 2020 for release of the vehicle. The learned judge, by order dated 16.02.2021 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

3.Heard the learned counsel appearing on either side and perused the materials available on record.



4.Mr.RMS.Sethuraman, learned counsel for State Government (Crl.side) has strongly opposed to release the vehicle.

5.It is seen that the vehicle was seized by the respondent police on 19.07.2020. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated, due to the exposure to climatic conditions. Hence, this Court is inclined to allow the petition with certain conditions.

6.Accordingly, this Criminal Revision Case is allowed and the order of the learned Sessions Judge, Karur in Crl.M.P.No.1802 of 2020, dated 16.02.2021 is set aside and the learned Sessions Judge, Karur is directed to return the vehicle subject to the petitioner complying the following conditions:-

(a)the petitioner shall produce the Original Registration Certificate of the vehicle;

(b)the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy five thousand only) to the credit of Crime No. 421 of 2020 on the file of the learned Sessions Judge, Karur, within a period of two weeks from the date of receipt of a copy of this order;

(c)the petitioner shall not make any alteration of the vehicle;

(d)the petitioner shall produce the same before the Court as and when required.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Sessions Judge,
Karur.

2.The Inspector of Police,
Mayanur Police Station,
Karur District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.R.C (MD) No.599 of 2021
06.09.2021

RS (15.09.2021) 3P 4C